

Senate Study Bill 3183 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON FRAISE)

A BILL FOR

1 An Act relating to county and multicounty juvenile detention
2 homes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.142, Code Supplement 2011, is
2 amended to read as follows:

3 **232.142 Maintenance and cost of juvenile homes — fund.**

4 1. County boards of supervisors which singly or in
5 conjunction with one or more other counties provide and
6 maintain juvenile detention and juvenile shelter care homes are
7 subject to this section. For the purposes of this section,
8 unless the context otherwise requires, "division" means the
9 division of criminal and juvenile justice planning of the
10 department of human rights.

11 2. For the purpose of providing and maintaining a county or
12 multicounty home, the board of supervisors of any county may
13 issue general county purpose bonds in accordance with sections
14 331.441 to 331.449. Expenses for providing and maintaining a
15 multicounty home shall be paid by the counties participating in
16 a manner to be determined by the boards of supervisors.

17 3. A county or multicounty juvenile detention home approved
18 pursuant to this section shall receive financial aid from the
19 state in a manner approved by the ~~director~~ division. Aid
20 paid by the state shall be at least ten percent and not more
21 than fifty percent of the total cost of the establishment,
22 improvements, operation, and maintenance of the home that is
23 attributed to children under the jurisdiction of this state.

24 4. The director shall adopt minimal rules and standards for
25 the establishment, maintenance, and operation of such homes as
26 shall be necessary to effect the purposes of this chapter. The
27 rules shall apply the requirements of section 237.8, concerning
28 employment and evaluation of persons with direct responsibility
29 for a child or with access to a child when the child is
30 alone and persons residing in a child foster care facility,
31 to persons employed by, residing in, or volunteering for a
32 home approved under this section. The director shall, upon
33 request, give guidance and consultation in the establishment
34 and administration of the homes and programs for the homes.

35 5. The director shall approve annually all such homes

1 established and maintained under the provisions of this
2 chapter. A home shall not be approved unless it complies with
3 minimal rules and standards adopted by the director and has
4 been inspected by the department of inspections and appeals.
5 6. A juvenile detention home fund is created in the state
6 treasury under the authority of the ~~department~~ division. The
7 fund shall consist of moneys deposited in the fund pursuant
8 to sections 321.218A and 321A.32A. The moneys in the fund
9 shall be used for the costs of the establishment, improvement,
10 operation, and maintenance of county or multicounty juvenile
11 detention homes attributed to children under the jurisdiction
12 of this state's courts in accordance with annual appropriations
13 made by the general assembly from the fund for these purposes.
14 The distribution formula for the moneys in the fund shall be
15 determined by the administrator of the division pursuant to a
16 recommendation provided by the criminal and juvenile justice
17 planning advisory council to equitably distribute the available
18 moneys to help support the financial needs of juvenile
19 detention homes. The distribution formula shall be based upon
20 a detention home's proportionate share of the statewide bed
21 days utilized during the formula period by all detention homes
22 eligible to receive moneys from the fund. The distribution
23 formula shall include an allocation for the division's costs to
24 administer the fund and shall specify a base amount for each
25 detention home receiving an allocation under the formula.

26 EXPLANATION

27 This bill relates to county and multicounty juvenile
28 detention homes under Code section 232.142. County and
29 multicounty juvenile detention homes are subject to approval by
30 the department of human services in accordance with rules and
31 standards adopted by the department. Inspections are performed
32 by the department of inspections and appeals. State funding
33 for the detention homes is provided through the juvenile
34 detention home fund administered by the department of human
35 services.

1 The fund receives civil penalties collected under Code
2 sections 321.218A and 321A.32A, when the department of
3 transportation suspends, revokes, or bars a person's driver's
4 license or nonresident operating privilege for a conviction
5 under Code chapter 321, relating to motor vehicle laws,
6 or Code chapter 321A, relating to motor vehicle financial
7 responsibility. The bill transfers the responsibility to
8 administer the fund from the department of human services to
9 the division of criminal and juvenile justice planning of the
10 department of human rights. The bill also restricts the use of
11 the fund to costs attributed to children under the jurisdiction
12 of this state's courts.

13 Current law provides for distribution of the moneys in the
14 fund in accordance with annual appropriations. For fiscal
15 year 2011-2012, under 2011 Iowa Acts, chapter 129, section
16 17, moneys in the fund are allocated among eligible detention
17 homes, prorated on the basis of an eligible detention home's
18 proportion of the costs of all eligible detention homes in the
19 previous fiscal year, as determined by the department of human
20 services based on the amount available to distribute. The bill
21 provides for the administrator of the division of criminal and
22 juvenile justice planning to determine the distribution formula
23 for the moneys in the fund pursuant to a recommendation made by
24 the criminal and juvenile justice planning advisory council.
25 The bill requires the distribution formula to be based upon a
26 juvenile detention home's proportionate share of the statewide
27 bed days utilized during the formula period by all juvenile
28 detention homes eligible to receive moneys from the fund. The
29 bill also requires the formula to include an allocation for the
30 division's costs to administer the fund and to specify a base
31 amount for each detention home receiving an allocation under
32 the formula.